

Country Report Canada

Annual report to the IFLA CLM committee
Quebec Canada 2008

New Copyright Legislation – Bill C-62

New copyright legislation, Bill C-62, was introduced to Parliament in June 2008.

(http://www.ic.gc.ca/epic/site/crp-prda.nsf/en/h_rp01150e.html) The proposed legislation had first reading. When Parliament sits for the Fall session Bill C-61 will be in line for second reading, followed by referral to committee for revision. Third and final reading would normally follow within months. However, with Canada's Parliament in a minority government position, an election call prior to its final reading would result in Bill C-61 dying on the order paper.

Bill C-61 proposes to update Canada's copyright legislation, including the ratification of the WIPO internet treaties. The major changes include:

- Educational use of the Internet
- TPM provisions - mere existence of digital locks limits permitted uses and impacts the accessibility of the public domain
- Contract law overrides statutory rights of the Copyright Act
- Persons with perceptual disabilities are permitted to circumvent TPMs
- Criminal penalties for circumventing digital locks - cannot import, manufacture or sell circumvention technology for non-infringing uses
- Time limits on digital interlibrary loans
- Additional rule-making through regulations and not by statute

There is concern with Bill C-61 regarding:

- Users' statutory rights that can be encroached by contracts and through the use of technological measures
- Criminal penalties for permitted uses if digital locks are present on devices and media

Copyright Board Decision

In a recent decision (October 2007) the Copyright Board of Canada ruled that downloads of musical previews constitute another application of fair dealing for the purpose of research <http://cb-cda.gc.ca/decisions/m20071018-b.pdf>. This decision further supports the broad interpretation of fair dealing given by the Supreme Court of Canada in the 2004 CCH case <http://scc.lexum.umontreal.ca/en/2004/2004scc13/2004scc13.pdf>.

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